

Report Date: December 6, 2016

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Dec 07, 2016**Eastern District of Washington**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Johnny Andres Asuncion Case Number: 0980 2:07CR02064-EFS-1

Address of Offender: [REDACTED] Yakima, Washington 98902

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: November 9, 2007

Original Offense: Distribution of a Controlled Substance-Methamphetamine, 21 U.S.C. § 841(a)(1)

Original Sentence: Prison 92 months Type of Supervision: Supervised Release
TSR - 48 monthsRevocation Sentence: Prison - 12 months
TSR - Until February 13, 2018
(December 1, 2015)

Asst. U.S. Attorney: TBD Date Supervision Commenced: July 29, 2016

Defense Attorney: Alison Guernsey Date Supervision Expires: February 13, 2018

PETITIONING THE COURT**To issue a warrant.**

The probation officer believes the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p><u>Special Condition # 16:</u> The defendant shall abstain from the use of illegal controlled substances, and shall submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.</p> <p><u>Supporting Evidence:</u> Mr. Asuncion failed to submit to random urinalysis testing on October 21, and November 28, 2016.</p>
2	<p><u>Standard Condition # 3:</u> The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.</p> <p><u>Supporting Evidence:</u> Mr. Asuncion failed to report to the probation office as directed by his U.S. Probation Officer on November 29, 2016.</p>

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On the morning of November 29, 2016, this officer spoke with Mr. Asuncion by telephone. He advised he was in Spokane visiting his girlfriend. He was directed to report to the probation office to which he agreed to do so before the close of business this same date. Mr. Asuncion failed to report as directed. Mr. Asuncion reported unannounced to the probation office on November 30, 2016. Mr. Asuncion was confronted on his failure to report as directed. He stated he returned to Yakima late the night before and thought it would be okay to report the following morning instead. When advised he should have called to report he was running late, his response was that he was here now and ready to resolve any issue.

- 3 **Standard Condition # 7:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.

Supporting Evidence: Mr. Asuncion tested positive for the use of methamphetamine on November 30, 2016.

On November 30, 2016, Mr. Asuncion submitted a urinalysis sample which returned presumptive positive for methamphetamine. He was confronted regarding his illegal drug use. Mr. Asuncion adamantly denied use. The specimen was sent to Alere Toxicology Services, Incorporated for confirmation. The test results were confirmed positive for the presence of methamphetamine.

- 4 **Standard Condition # 6:** The defendant shall notify the probation officer at least ten days prior to any change in residence or employment.

Supporting Evidence: Mr. Asuncion failed to notify his probation officer prior to quitting his job at Shields Bag and Printing, Company (Shields) on or before November 14, 2016.

On November 30, 2016, Mr. Asuncion was questioned about no longer working at Shields. He reported having quit his job 2 weeks prior. Mr. Asuncion failed to notify his probation officer prior to quitting his job.

- 5 **Standard Condition # 3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

Supporting Evidence: Mr. Asuncion failed to report to the probation office as directed by his U.S. Probation Officer on December 6, 2016.

On December 5, 2016, a home visit was conducted and the defendant was not found at his residence. A voicemail was left on his cellular telephone and business cards were left on his gate and vehicle with instructions to report on December 6, 2016 at 8 a.m. On the evening of this same date, this officer received a voicemail message from Mr. Asuncion indicating he received this officer's message. He also indicated he felt as though he was being harassed by this officer for the message left on his voicemail. He also mentioned he would report the following day. As of this writing, Mr. Asuncion has failed to report to the probation office.

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The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: December 7, 2016

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ Other



Signature of Judicial Officer

December 7, 2016

Date